

MEMORANDUM

Agenda Item No. 11(A)(17)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

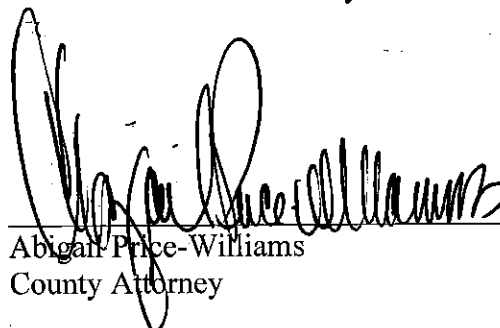
DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor and the Public Health Trust to identify all single occupancy restrooms located in buildings and facilities that are owned, operated or leased by the County and the Public Health Trust and to replace any gender signage with gender neutral/gender inclusive signage on or near the opening of such single occupancy restrooms

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 10-13-16 Economic Prosperity Committee. This substitute differs from the original in that it: (1) clarifies that the signage to be placed on each single occupancy restroom must be both gender neutral and gender inclusive, which shall be subject to funding availability; (2) provides a substitute Exhibit "B" and a new Exhibit "D" depicting revised signage; (3) adds language that clarifies that all persons shall be afforded access to a single occupancy restrooms based on availability and regardless of their race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, status as a victim of domestic violence, dating violence or stalking, familial status, gender identity, gender expression, or sexual orientation; and requires the joint report to identify any funding that may be needed to accomplish the purposes of the resolution.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Commissioner Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(17)
11-1-16

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE PUBLIC HEALTH TRUST TO (1) IDENTIFY ALL SINGLE OCCUPANCY RESTROOMS LOCATED IN BUILDINGS AND FACILITIES THAT ARE OWNED, OPERATED OR LEASED BY THE COUNTY AND THE PUBLIC HEALTH TRUST AND TO REPLACE ANY GENDER SIGNAGE WITH GENDER NEUTRAL/GENDER INCLUSIVE SIGNAGE ON OR NEAR THE OPENING OF SUCH SINGLE OCCUPANCY RESTROOMS; (2) TAKE APPROPRIATE STEPS TO ENSURE THAT COUNTY AND PUBLIC HEALTH TRUST EMPLOYEES ARE MADE AWARE OF THIS RESOLUTION, TO INCLUDE A PROVISION IN ALL COUNTY AND PUBLIC HEALTH TRUST FUTURE LEASES AND AGREEMENTS TO REQUIRE TENANTS TO COMPLY WITH THIS RESOLUTION, AND TO ENSURE THAT ALL PERSONS ARE AFFORDED ACCESS TO SUCH SINGLE OCCUPANCY RESTROOMS BASED ON AVAILABILITY UNLESS SUCH DENIAL IS BASED ON SECURITY OR OTHER NONDISCRIMINATORY REASONS; AND FURTHER DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE PUBLIC HEALTH TRUST TO PROVIDE A JOINT REPORT

WHEREAS, it is a paramount duty of Miami-Dade County to ensure that all residents and visitors have safe access to public services, including restrooms; and

WHEREAS, gender-segregated restrooms may impede the ability of some residents or visitors to access public restrooms by creating uncomfortable and unsafe spaces, thereby denying them full access to public life; and

WHEREAS, for instance, people with disabilities and the elderly are not able to bring their attendants or family members of a different gender into many gender-segregated multi-stall restrooms; and

WHEREAS, transgender and gender non-conforming individuals also report having been harassed or assaulted in gender-segregated multi-stall restrooms; and

WHEREAS, gender-segregated restrooms also have been sites of sexual orientation-based intimidation, harassment, and assault; and

WHEREAS, gender-neutral >>/gender inclusive<<¹ restrooms promote diversity and foster an environment that acknowledges, appreciates, respects, and creates equal opportunity for our diverse community; and

WHEREAS, cities, such as Miami Beach, San Francisco, Philadelphia, Seattle, Washington, D.C., West Hollywood, California, and Austin, Texas, have passed measures related to gender-neutral >>/gender inclusive<< restrooms in public and private facilities; and

WHEREAS, further, more than 150 colleges and universities across the country have instituted similar measures; and

WHEREAS, this Board upholds the value of inclusion and a commitment to diversity and non-discrimination; and

WHEREAS, this Board acknowledges that it has a responsibility to expand access to gender neutral >>/gender inclusive<< restrooms in in buildings and facilities owned, operated or leased by the County and the Public Health Trust; and

WHEREAS, this Board believes that gender-neutral >>/gender inclusive<< restrooms in in buildings and facilities owned, operated or leased by the County and the Public Health Trust should provide County and Public Health Trust employees and the general public with safe access; and

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, this Board wishes to have all single occupancy restrooms be identified as gender-neutral >>/gender inclusive<< restrooms in buildings and facilities owned, operated or leased by the County and the Public Health Trust,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated into this resolution and are approved.

Section 2. This Board directs the County Mayor or the County Mayor's designee and the Public Health Trust (1) to identify all single occupancy restrooms located in buildings and facilities owned, operated, or leased by the County and the Public Health Trust; (2) to determine if the signage identifying such single occupancy restrooms is gender neutral >>/gender inclusive<<; and (3) if such signage is not gender neutral >>/gender inclusive<<, to replace such signage >>,subject to funding availability,<< with gender neutral >>/gender inclusive<< signage on or near the opening of such single occupancy restrooms, in substantially the forms depicted in Exhibits "A," "B," [[and]] "C," >>and "D,"<< which are attached hereto and incorporated herein by reference. For purposes of this resolution the term "single occupancy restrooms" shall mean any restroom with a locking door intended to serve only one occupant at a time.

Section 3. This Board further directs the County Mayor or the County Mayor's designee and the Public Health Trust to take appropriate steps to ensure that all County and Public Health Trust employees are made aware of this resolution.

Section 4. This Board further directs the County Mayor or the County Mayor's designee and the Public Health Trust to include a provision in all future leases and agreements requiring tenants occupying County-owned or Public Health Trust buildings or facilities to comply with the requirements of this resolution.

Section 5. The County Mayor or the County Mayor's designee and the Public Health Trust shall further take steps to ensure that ~~[[no person is denied access]]~~ >>all persons are afforded << access to such single occupancy restrooms >>based on availability and << regardless of their race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, status as a victim of domestic violence, dating violence or stalking, familial status, gender identity, gender expression, or sexual orientation. Notwithstanding the foregoing, access to a single occupancy restroom located in a secured building, facility or area of such building or facility that is not generally opened to the public may be denied for security or other nondiscriminatory reasons.

Section 6. The County Mayor or the County Mayor's designee and the Public Health Trust shall provide a joint report to this Board regarding the steps taken to comply with this resolution. >>The joint report shall also identify any funding that may be needed to accomplish the purposes of this resolution. << The County Mayor or County Mayor's designee and the Public Health Trust shall provide the joint report to this Board within 90 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Sally Heyman and the Co-Sponsor is Commissioner Audrey M. Edmonson. It was offered by

Commissioner _____, who moved its adoption. The motion was seconded by

Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of November, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith

EXHIBIT "A"



EXHIBIT "B"



EXHIBIT "C"



EXHIBIT "D"

